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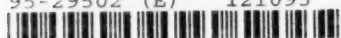
RIGHT OF PEOPLES OF SELF-DETERMINATION

Letter dated 28 September 1995 from the Permanent Representative
of Liechtenstein to the United Nations addressed to the
Secretary-General

I have the honour to transmit to you herewith a summary report on two international panel conferences organized within the framework of the Liechtenstein Research Programme on Self-Determination and as part of the activities on the occasion of the commemoration of the fiftieth anniversary of the United Nations, which were held in March and June 1995 respectively at the Woodrow Wilson School of Public and International Affairs of Princeton University.

Given the importance of the subject and its continued relevance to the international community, I should be grateful if you would have the present letter and the accompanying report circulated as a document of the General Assembly, under agenda item 104.

(Signed) Claudia FRITSCHÉ
Ambassador
Permanent Representative



ANNEX

Summary report on the international panel conferences organized within the framework of the Liechtenstein Research Programme on Self-Determination at the Woodrow Wilson School of Public and International Affairs of Princeton University, 18 March 1995 and 9-10 June 1995

1. In 1991 His Serene Highness Prince Hans-Adam II, Head of State of the Principality of Liechtenstein, in his statement to the General Assembly on 26 September 1991, introduced an initiative on certain aspects of self-determination. This initiative was pursued at subsequent sessions of the General Assembly, and in particular as agenda item 108 (b) at the forty-eighth session.
2. In her statement to the General Assembly during the forty-ninth session, on 30 September 1994 (see A/49/PV.13), Her Excellency Mrs. Andrea Willi, Minister for Foreign Affairs of the Principality of Liechtenstein, said that the Liechtenstein initiative would be pursued as constructively as possible and that it would be most appropriate, and most likely to lead to fruitful results, for the subject to be developed further, at the current stage, within an academic framework. She announced that, accordingly, His Serene Highness had, as one element of Liechtenstein's contribution to the commemoration of the fiftieth anniversary of the United Nations, given a grant to Princeton University's Woodrow Wilson School of Public and International Affairs to establish a research programme on self-determination, to be conducted under the auspices of the Woodrow Wilson School's Center of International Studies, and that, within the framework of that research programme, two conferences were to be organized, in March and June 1995. They were dedicated to the subjects of "The Convention on Self-determination and Self-administration and related major issues" and "Communities and self-administration", respectively.
3. The two conferences were held at the times envisaged by Her Excellency, at Princeton University. As announced by Mrs. Willi, the conferences were open for participation to all States Members of the United Nations; invitations were also sent to selected non-governmental organizations, and to certain individuals, active in the field of self-determination and self-administration. On each of the three days on which the conferences were held some 70 to 80 people attended.
4. The conferences took the form of discussions based upon papers and commentaries written by selected individuals, of many differing nationalities and intellectual backgrounds but with one thing in common: that they were all outstanding experts in their various fields (international law, international relations and relevant social and cultural areas). The whole project was conducted on the basis of complete intellectual and academic freedom, so that the papers written by the various contributors and commentators were the sole responsibility of their authors, and were in no way influenced by the research programme.
5. The pattern followed throughout the conferences was the same. The starting-point for each session was the preparation, as part of the Woodrow

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Wilson School's "Liechtenstein Research Programme on Self-determination", of various substantive papers by leading international authorities in their respective fields. At each session of the conference the writer of the paper under immediate consideration briefly summarized the main thrust of the paper, and this was followed by commentaries upon the paper by (usually) two other authoritative speakers. Participants in the conference were then invited to contribute to a general discussion on the themes opened up by the principal paper and the formal commentaries upon it.

6. The authors of the principal papers submitted to the conferences, and the commentators upon them, were identified in the programmes for the two conferences (see appendices I and II). Since many of the speakers, whether as writers of principal papers or as commentators or as members of the audience, held official positions with their Governments or with international organizations, it was understood at all times that speakers were contributing in their personal capacities and not in any official capacity which they might have had.

7. The focus of both conferences was the Liechtenstein initiative which had been introduced and discussed in the General Assembly. While the broad outlines (and in some respects much of the detail) of the ideas put forward by Liechtenstein had previously been explained in the debates in the General Assembly, no formal and comprehensive exposition of those ideas had been tabled in New York. To give the Princeton research programme a firm basis for further consideration, it was thought appropriate to provide participants in the programme with a draft Convention setting out, in formal international terms, the substance of the Liechtenstein proposals as they currently stood. As this draft Convention was at the centre of this phase of the research programme, the text (with an article-by-article explanatory commentary) was also made available to all those attending the two conferences, and each conference began with a short introductory presentation drawing attention to the main elements of the draft Convention.

8. The first conference, on 18 March 1995 (see appendix I), was opened by welcoming addresses by His Serene Highness Prince Hans-Adam II, Professor Harold T. Shapiro (President of Princeton University), Professor Wolfgang Danspeckgruber (Princeton University, and Director of the Liechtenstein Research Programme on Self-determination); and at the second conference, in June, the welcome on behalf of Princeton University was extended by Professor James Trussell.

9. The first substantive presentation was given by Professor Richard Falk (Princeton University), on "The right of self-determination under international law: the coherence of doctrine versus the incoherence of experience". Professor Falk identified three principal stages in the evolution of the right of self-determination as involving, first, the pre-legal stage after the First World War and up to the formulation of the Charter of the United Nations, where self-determination had been more a matter of political and moral weight than a right or duty in international law; secondly, the period after the Second World War and up to the end of the cold war, in which the emerging right of self-determination had concentrated on issues of decolonization; and thirdly, the period after the end of the cold war, which had been characterized by the

shattering of States and continuing controversy as to the application of self-determination in a context of (non-colonial) secession from existing States. Against this background Professor Falk offered observations on the potential for secessionist self-determination in relation to Quebec and the Kurdish people. A commentary on some of the issues raised by Professor Falk's paper was given by Professor Ruth Lapidoth (Hebrew University of Jerusalem).

10. Professor Falk's paper was followed by that presented by Professor Michael Doyle (Princeton University) on "The United Nations intervention and national sovereignty: the United Nations, the new globalism and an internationalist alternative". Professor Doyle noted the recent - particularly during the post-cold war period - use of Charter provisions so as to allow a radical expansion in the scope of collective intervention (leading to a crisis of over-commitment by the United Nations and a failure of United Nations Chapter VII enforcement), which had also narrowed the scope for unilateral State intervention. This widening of global authority and the shrinking of State sovereignty had fettered traditional rights of nation-States and led to an at least partial recognition of the rights of some oppressed nations. Commentaries on Professor Doyle's paper were presented by Dr. Danilo Türk (Permanent Representative of Slovenia to the United Nations).

11. Professor Jeffrey Herbst (Princeton University) presented his paper on "Global change and the future of existing Nation-States", in which he drew attention to the fact that the twentieth century had seen, on a large scale, the fracturing of large political units, leaving in their wake a large number of smaller States. This raised the question whether even smaller States, or indeed whether (particularly given the emergence of self-determination as a norm of the international community) other forms of political structure than the nation-State, might be viable in future. After examining the pressures on States to splinter into smaller units, Professor Herbst concluded that changes in the international economy had meant that smaller units were less likely now to be economically dysfunctional and that smaller States were thus more viable than had previously been the case. Commentaries on Professor Herbst's paper were made by Professor Daniel Elazar (Director, Center for the Study of Federalism, Temple University, Philadelphia) and Sir John Thompson (formerly Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations).

12. The next paper was that presented by Professor Henry Bienen (President, Northwestern University), on "Self-determination and self-administration in the former Soviet Union". He argued that in that context self-determination perhaps offered a less fruitful way forward than an emphasis on democracy and individual human rights, although self-determination and self-administration were still matters for concern as a means for the protection of human rights and since ethnically based internal conflicts might result in international conflicts. It was important to stress the fluid nature of ethnic identification, which argued for a focus on individuals rather than on groups, although the political reality of groups could not be denied. Commentaries on that paper were made by Professor Hurst Hannum (Fletcher School of Law and Diplomacy, Tufts University) and Professor Georgiy Mirsky (Princeton University).

13. The paper presented by Professor Ian Lustick (University of Pennsylvania) was on "The other side of self-determination: State contraction in Britain and Ireland, France and Algeria, Israel and the West Bank-Gaza". Self-determination necessarily required the contraction of existing States, either in a territorial sense or at least in a functional sense by relinquishing certain State powers; but this involved the making by States of strategic decisions to contract the domain of their power. The political mechanisms and processes allowing (or preventing) such "voluntary" State contraction (except in colonial situations) had been little analysed, and in this perspective Professor Lustick considered three episodes of State contraction/self-determination - the United Kingdom and Ireland, France and Algeria, and Israel and the West Bank-Gaza. State contraction as an option could solve certain analytical problems and also allow political assessments of the conditions under which States could be expected to respond positively to demands for self-determination by territorially concentrated groups under their control. Commentaries on Professor Lustick's paper were presented by Professor Fred Riggs (University of Hawaii at Manoa) and Professor Michael Walzer (Institute of Advanced Studies, Princeton).

14. The last paper presented at the March conference was that presented by Dr. Emilio Cárdenas (Permanent Representative of Argentina to the United Nations) and Ms. María Cañas (First Secretary, Permanent Mission of Argentina to the United Nations), on "The limits of self-determination". They noted the lack of precision in the notion of self-determination and the subordination of self-determination to the need to preserve State sovereignty. Minorities had a right to autonomy as an expression of their internal self-determination; but this did not give them a right to secede or to undermine the bases of the policy within which they had their existence. Cooperation, solidarity and pluralism were the way forward, rather than nationalism. Current problems in this area probably had to be dealt with pragmatically, on a case-by-case basis; the protection of minorities should involve the granting of different degrees of autonomy and the promotion of democracy and the elimination of human rights abuses. Professor Gidon Gottlieb (University of Chicago) and Professor Stephen Marks (Princeton University) presented commentaries on that paper.

15. The second conference was held on 9 and 10 June 1995 (see appendix II). The first paper presented for discussion was that prepared by Professor Kay Warren (Princeton University) on "Language and the politics of self-expression: Mayan revitalization in Guatemala". In her paper Professor Warren focused on the cultural and educational problems of the indigenous Mayan communities within Guatemala, and in particular on the alienation of the Mayan communities which could be caused by a cultural assumption by the central authorities that Spanish language and national culture were superior to Mayan. She drew attention to steps proposed, and being taken, to reduce such alienation and to allow for the promotion of indigenous Mayan culture and self-determination within the structure of the Guatemalan State. Commentaries on the paper were offered by Professor Miguel Centeno (Princeton University) and Professor Deborah Levenson (Boston College).

16. That paper was followed by a paper on "Self-determination and nation-building in post-cold war Africa: problems and prospects", prepared by Professor Ibrahim Gambari (Permanent Representative of Nigeria to the United Nations) and Dr. Martin Uhomoibhi (Minister Counsellor, Permanent Mission of

Nigeria to the United Nations). They noted that while self-determination had been responsible for the liberation of most African States, it had also created problems for them as they tried to grapple with the demands of sovereignty made by many of their internal ethnic groups, demands which had given rise to serious conflicts. They considered various options and perspectives for realizing the goals and objectives of self-determination within the overall aim of nation-building. Self-determination was both a principle and a problem of contemporary statecraft, presenting a challenge to balance its support for imperiled sub-national groups striving for control over their affairs; that balance had to be pragmatically achieved if the adverse implications of unmoderated application of self-determination were not to undermine international peace and security. Their paper was the subject of commentaries by Mr. Lionel Hurst (Permanent Representative of Antigua and Barbuda to the United Nations) and Dr. Movindri Reddy (University of Chicago).

17. The next paper was that by Dr. Minxin Pei (Princeton University), on "Self-administration and the politics of ethnic accommodation in China". The paper addressed concerns about the Chinese State's ability to maintain control over its vast peripheral regions inhabited by ethnic minorities with aspirations for self-determination. The institutional framework permitted, on paper, a high degree of self-administration for regions with high concentrations of ethnic minorities, but in reality the devolution of decision-making power was severely limited at the provincial level although less so at the sub-provincial level. But the principal mechanism for mediating ethnic tensions had been a strategy of economic and political realism, involving State-sponsored migration of Han Chinese people into minority-inhabited areas, economic interdependence, and selective political repression. These strategies had been quite effective but now yielded diminishing returns; a policy of subregional self-administration would offer a practical compromise allowing greater autonomy for China's 54 minority groups. Commentaries on that paper were presented by Dr. Daniel Bell (Princeton University) and Dr. Paula Escarameia (Legal Counsellor, Permanent Mission of Portugal to the United Nations).

18. The final paper on the first day of the June conference was given by Professor Atul Kohli (Woodrow Wilson School) on "South Asia: secession, federalism and self-determination". The paper noted that India was a multicultural democracy, in which there had been several secessionist movements based on claims to the right of self-determination. Such movements ought to be expected in multicultural democracies (especially in developing countries) since, typically, the democratic setting encouraged group self-identification, which in turn led to a confrontation between the group and the central authority and eventually to a process of power negotiation, which finally led to a decline of the initial movement as its leaders were co-opted into the power structure and a degree of power-sharing and mutual accommodation between the movement and the central authorities was reached. Self-determination movements were part of a political process whereby the central State and a variety of groups discovered their relative power balances in emerging democracies. Commentaries on the paper were given by Professor Susanne Rudolph (University of Chicago) and Dr. Michael van den Walt van Pragg (Secretary-General, Unrepresented Nations and Peoples Organization).

19. The second day of the June conference began with a paper by Dr. Michele Lamont (Princeton University) on "Cultural dynamics in France, Canada and the United States". Self-determination, argued Dr. Lamont, was more likely to be a factor in communities whose members had a strong sense of common identity and fellow-feeling. In Quebec the basis for such strong collective identity was to be found in the history, culture, language and economics underlying the position of a francophone minority living within an anglophone majority, whereas in France the basic community differences were those between the national residents of the country and immigrants, characterizing a society with strong external boundaries against immigration, and in the United States the basic community differences were those grounded in race and poverty, characterizing a society with strong internal boundaries against the poor and African-Americans, but with weak external boundaries against immigration. The various bases of community differentiation referred to - race, poverty, culture, language, nationality - were present in all societies, but what was important was to examine how they were defined and combined with one another so as to define the collective identity of social groups, and thereby better to understand the specific patterns of social segmentation that generated movements for self-determination. Professor Robert Putnam (Harvard University) offered a commentary on Dr. Lamont's paper.

20. The next paper presented was that by Professor Francis Deng (Brookings Institute) on "Self-determination and national identity crisis: the case of the Sudan". Professor Deng presented an outline of the current problems in the Sudan, which would be (over-)simplified as a conflict between the primarily arabized and islamized North of the country, and the traditionally African South, a division historically reinforced by British colonial policy: after independence the aim of the North had been to correct this separatism, while for the South northern domination had been seen as the replacing of British colonialism by the internal Arab variant. This had led to a crisis of national identity, both as to the Sudanese identity in the light of the State's history, and as the conflict between the group identities within the State which threatened the nation with disintegration. The paper recounted the process through which the conflicting identities of the North and South were shaped, discussed the generic concept of identity as a factor in conflict and how it manifested itself in the Sudanese case and examined the options now confronting the Sudan. Commentaries on that paper were presented by Giandomenico Picco (formerly Assistant Secretary-General for Political Affairs, United Nations) and Professor Isawa Elaigwu (Director-General, National Council on Intergovernmental Affairs, Abuja, Nigeria).

21. Professor Wolfgang Danspeckgruber's paper was on "Self-determination, subsidiarity and regionalism in modern Europe". He argued that, particularly since the end of the cold war, self-determination and self-administration had been significant factors not only in central, eastern and south-eastern Europe but also as a counter-force to the drive towards deeper integration within the European Union. After reviewing the importance of self-determination for contemporary Europe, the paper examined mechanisms for self-determination and self-administration offered by various European organizations and discussed the role of self-determination initiatives in Belgium, South Tyrol and Catalonia. While enhanced self-administration could, preferably, lead to augmented degrees of autonomy rather than complete sovereignty and independence, and these

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examples showed that persistent negotiation and a readiness to compromise could provide acceptable results, other developments east and south of Vienna showed that various factors could still lead to a striving for complete independence. Degrees of autonomy were not always satisfying to community aspirations, even though the community, rather than obtaining classical sovereignty, was in a transitional phase between forming part of a nation-State and becoming a member of a supranational body. That paper was the subject of commentaries by Mrs. Radha Kumar (Helsinki Citizens' Assembly) and Mr. Rob Zaagman (Adviser, High Commissioner for National Minorities, Organization for Security and Cooperation in Europe (OSCE)).

22. The final paper presented to the conference was on "Avoiding the iron cage of legislated communal identity", by Professor John Waterbury (Princeton University), who examined three contemporary situations: the conflicts in the Sudan and that of the Kurds of Iraq and Turkey with their respective Governments, as well as the system of representation in Lebanon. Since all political units were to some extent artificial and arbitrary, and communal identity was in important respects fluid, constantly undergoing a process of redefinition, one must always be inquiring into the nature of the "community" which sought to determine its own fate. What was needed, therefore, were democratic procedures which protected the right to form associations along whatever lines - ethnic, linguistic, religious or other - the population spontaneously desired, and what had to be avoided was the protection of named groups since thereby the aggrieved groups, and their persecutors, became locked into non-evolving structures (as was well illustrated by the history of the religious basis for political representation in Lebanon since 1926). Commentaries on that paper were presented by Mr. José Ayala-Lasso (United Nations High Commissioner for Human Rights) and Professor Amitai Etzioni (George Washington University).

23. After the presentation of each paper and the commentaries upon it, discussion was thrown open to comments and questions from those attending the conferences. The ensuing exchange of views was lively and informative, reflecting the high personal qualities and experience of those who were participating. Given the extent to which many of the papers and commentaries touched on matters of great current political sensitivity, it was inevitable that the views expressed in the discussions varied between support for, and criticism of, the analyses offered by the speakers. While the nature of such wide-ranging discussions over the three days of the conferences precludes the drawing of any clear conclusions, one thread running consistently through the many interventions, without any dissenting voice, was that the issues raised by the Liechtenstein initiative, both in the United Nations and at the Princeton conferences, were timely and important, and deserved the most careful further consideration.

APPENDIX I

PRINCETON UNIVERSITY

Liechtenstein Research Program on Self-Determination

Program of the First International Panel Conference

***The Convention on Self-Determination and Self-Administration
and Related Major Issues***

March 18th, 1995

9.00

Welcome

Wolfgang Danspeckgruber

John Waterbury

President Harold T. Shapiro

H.S.H. Prince Hans-Adam II. of Liechtenstein

9.15

Sir Arthur Watts

The Liechtenstein Draft Convention on Self-Determination Through Self-Administration

10.00

Ruth Lapidoth

The Right of Self-Determination under International Law:
The Coherence of Doctrine versus the Incoherence of Experience
by *Richard Falk*

11.10

Danilo Türk

Jean Cot

The UN Intervention and National Sovereignty:
The United Nations, The New Globalism, and an Internationalist Alternative
by *Michael Doyle*

12.00

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Daniel Elazar
Sir John Thompson

Global Change and the Future of Existing Nation-States
by *Jeffrey Herbst*

14.00

Hurst Hannum
Georgiy Mirsky

Self-Determination and Self-Administration in the Former Soviet Union
by *Henry Bienen*

15.00

Fred Riggs
Michael Walzer

The Other Side of Self-Determination: State Contraction in Britain and Ireland,
France and Algeria, Israel and the West Bank-Gaza
by *Ian Lustick*

16.00

Gidon Gottlieb
Stephen Marks

The limits of Self-Determination
by *Emilio Cárdenas and María Fernanda Cañas*

APPENDIX II

PRINCETON UNIVERSITY

Liechtenstein Research Program on Self-Determination

Program of the Second International Panel Conference

Communities and Self-Administration

9 and 10 June 1995

9.15

Welcome

James Trussel

H.S.H. Prince Hans-Adam II. of Liechtenstein

9.30

Sir Arthur Watts

Summary of Draft Convention: A Review

10.00

Miguel A. Centeno

Deborah Levenson

**Language and the Politics of Self-Expression: Mayan Revitalization in Guatemala
by Kay Warren**

11.30

Lionel A. Hurst

Movindri Reddy

**Self-Determination and Nation-Building
in Post-Cold War Africa: Problems and Prospects
by Ibrahim Gambari and Martin Uhomoibhi**

14.00

Daniel Bell

Paula Escarameia

**Self-Administration and the Politics of Ethnic Accommodation in China
by Minxin Pei**

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15.15

Susanne Rudolph
Michael van den Walt van Praag

South Asia: Seccession, Federalism and Self-Determination
by *Atul Kohli*

SATURDAY ,10 June 1995

9.00

Sir Arthur Watts
A Brief Summary of Draft Convention

9.30

Robert Putnam
Cultural Dynamics in France, Canada, and the United States
by *Michele Lamont*

11.00

Giandomenico Picco
J. Isawa Elaigwu
Self-Determination and National Identity Crisis: The Case of the Sudan
by *Francis Deng*

13.30

Radha Kumar
Rob Zaagman
Self-Determination, Subsidiarity and Regionalization in Modern Europe
by *Wolfgang Danspeckgruber*

15.00

José Ayala-Lasso
Amitai Etzioni

Avoiding the Iron Cage of Legislated Communal Identity
by *John Waterbury*

16.15

Summary of Implications for Draft Convention
by *Sir Arthur Watts*
